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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,814	03/30/2004	Martin D. Ericsson	031287-024	2852

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EXAMINER

STRIMBU, GREGORY J

ART UNIT	PAPER NUMBER
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3634

DATE MAILED: 04/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/811,814	Applicant(s) ERICSSON ET AL.	
	Examiner Gregory J. Strimbu	Art Unit 3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

Specification

The abstract of the disclosure is objected to because it is unclear if the "an open position" on line 7 is the same position as the passage-opening position set forth above. Correction is required. See MPEP § 608.01(b).

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. It is suggested the applicant amend the title to include the manual operation of the invention.

Claim Objections

Claim 9 is objected to because "second" on line 20 should be preceded by the article "a". Appropriate correction is required.

Claim Rejections - 35 USC § 112

Claims 2, 3, 5, 7, 9 and 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Recitations such as "for returning the linkage" on line 2 of claim 2 render the claims indefinite because it is unclear to what state the linkage is being returned. Recitations such as "for returning the door" on line 3 of claim 2 render the claims indefinite because it is unclear to what state the door is being returned. Recitations such as "the supporting structure" on line 2 of claim 5 render the claims indefinite because they lack antecedent basis. Recitations such as "persons positioned to pass

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through the passage" on line 3 of claim 7 render the claims indefinite because it is unclear what the applicant is attempting to set forth. Is a person in the same room as the door positioned to pass through the passage? Is a person in the same building as the door positioned to pass through the passage? Is the switch also accessible to infants?

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4, 7 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Nyenbrink. Nyenbrink discloses an on-demand power-operating door apparatus, comprising: a door 10 adapted for swinging movement between opened and closed positions, and a power operator 15 comprising, a motor 31, and a linkage 37 operably connected to the motor and arranged to be driven thereby to move the door from the closed position to the opened position, the door being manually swingable from the closed position to the opened position independently of the linkage, a framework 11, 12, 13, a switch 16, a roller 42.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6, 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art in figures 1-4 in view of Rohroff. The admitted prior art in figures 1-4 discloses an on-demand power-operating door apparatus, comprising: a door 14 adapted for swinging movement between opened and closed positions, and a power operator 20 comprising, a motor (not shown, but see paragraph 21, line 3), and a linkage 21 operably connected to the motor and arranged to be driven thereby to move the door from the closed position to the opened position, a first (not shown but see paragraph 21, line 9) and second 19 closer springs, a hinge structure 16, a stationary axis (not numbered, but shown in figure 4), a movable vertical axis (not numbered, but shown in figure 4), an arm 21a having a stationary axis and a second end, a supporting structure 12, a manual switch 23. The admitted prior art in figures 1-4 are silent concerning manual operation of the door independent of the power operator.

However, Rohroff discloses a on demand power operating door apparatus comprising a door 12, a power operator 10 and a linkage 44, 48, wherein the door is manually swingable from the closed position to the opened position independently of the linkage.

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It would have been obvious to one of ordinary skill in the art to provide the admitted prior art in figures 1-4 with an independent operating means, as taught by Rohroff, to enable a user to manually operate the door without the resistance of the power operator (see column 1, line 68 to column 2, line 5).

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Speer and Carambula are cited for disclosing a door which can be operated independently of the door operator. Catlett and Catlett et al. are cited for disclosing a multi-axis pivoting door.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Strimbu whose telephone number is 571-272-6836. The examiner can normally be reached on Monday through Friday 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on 571-272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, reading "Gregory J. Strimbu". The signature is fluid and cursive, with a long horizontal stroke extending from the end of the name.

Gregory J. Strimbu
Primary Examiner
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April 24, 2006